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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,289	08/27/2003	Takeshi Hoshino	ASA-1153	4457

7590 11/16/2005

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EXAMINER

SHERMAN, STEPHEN G

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,289

Applicant(s)

HOSHINO ET AL.

Examiner

Stephen G. Sherman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: (1) Figure 8, item 113 (2) Figures 14A-14B and Figures 15A-15B, item 8 (3) Figure 16, item 206. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because on page 47 in the description of Figure 12B, the fingertip 19 is referenced but in the figure item 19 is not a fingertip. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: In the description on page 59, reference is made to the background area 34 of Figure 17A, in which the background area is labeled with reference number 35.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-7 rejected under 35 U.S.C. 102(b) as being anticipated by Hahlganss et al. (US 6,067,081).

Regarding claim 5, Hahlganss et al. disclose a display unit with touch panel including touch panel disposed on display screen of a display panel to detect a touch position of pointer (Figure 1), operation being conducted by touching a touch operation member displayed on the display screen, the display unit with touch panel comprising: a storage section for storing data that represent a relation between a position and a height as regards contents displayed on the display screen (Column 3, lines 24-34. The examiner interprets that the data memory is a storage section.); and a control section for reading height data corresponding to coordinates of a detected touch position from said storage section, and conducting processing moving the display screen with a drive quantity depending upon the height data (Column 3, lines 38-44. The examiner interprets that the microcontroller is a control section.).

Regarding claim 6, Hahlganss et al. disclose a display unit with touch panel including a touch panel disposed on a display screen of a display panel to detect a touch position of a pointer (Figure 1), operation being conducted by touching a touch operation member displayed on the display screen, the display unit with touch panel

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comprising: sensor for sensing a pushing pressure  $P$  caused by the pointer when touching the touch operation member (Column 3, lines 20-24. The examiner interprets that the sensor surface would detect a pushing pressure since a pressure would be applied by a user on the surface and that this pressure is related to the display unit by a capacitance.); and a control section for conducting processing of moving the display screen to a predetermined first height, when a transition is effected from a state in which the pointer touches an area where the touch operation member is not displayed to a state in which the pointer touches an area where the touch operation member is displayed (Column 3, lines 24-34. The examiner interprets that the microcontroller is a control section and that when the screen is touched in a position in which there is not a touch member that the display would not be moved and when a section of the screen was touched where there was a touch member that a change in height would occur.), and for conducting processing of the display screen to a predetermined second height and causing a function of the touch operation member to be executed, when the pushing pressure  $P$  is at least a predetermined value in a state which the pointer touches an area where the touch operation member is displayed (Column 4, lines 3-25. The examiner interprets the pressure sensors would contain a predetermined value to determine whether or not the display was touched. Also the examiner interprets that when a touch member is pressed that it is executed, i.e. displays a different picture, and that the input surface is moved to a different height associated with the function pressed, this height being predetermined and stored in the memory.).

Regarding claim 7, Hahlganss et al. disclose the display unit with touch panel according to claim 6. Hahlganss et al. also disclose wherein the first height is a height that is relatively higher than a height of the display screen in an immediately preceding state, and the second height is a height that is relatively lower than a height of the display screen in an immediately preceding state (Figure 2 and column 3, lines 8-25. The examiner interprets that a first height is associated with the "escape" function or the "back" function located on the menu shown in Figure 2b and as explained in lines 19-21. The examiner also interprets that a second height would be associated with other menu options because in operation the display would not only move in a direction towards a user otherwise if the "back" or "escape" function were operated multiple times in a row the display screen would be moved excessively far away from the display unit, therefore, a second height lower than a preceding state must exist for the display to move in a direction higher than a preceding state.).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanajima et al. (US 2002/0008691) in view of Hahlganss et al. (US 6,067,081).

Regarding claim 1, Hanajima et al. disclose a display unit (Figure 1) with touch panel including a touch panel disposed on a display screen of a display panel to detect touch position of a pointer (Figure 3), operation being conducted by touching a touch operation member displayed on the display screen (Figure 7), the display unit with touch panel comprising: a sensor for sensing pushing pressure P caused by the pointer when touching the touch operation member (Page 3, paragraph [0033]. The examiner interprets that if the touch panel can detect a depressing pressure that it would have a sensor for doing so.); and a control section (Page 3, paragraph [0037]. The examiner interprets that the comparing means performs the same function as the said control section since it determines what pressure has been applied to the touch panel.) for conducting first processing concerning the touch operation member pushed by the pointed when the pressure P sensed by said sensor satisfies a relation  $P1 \leq P < P2$  with respect to previously set pressures P1 and P2 (where  $P1 < P2$ ), and conducting second processing concerning the touch operation member pushed by the pointer when the



pushing pressure has changed from  $P1 \leq P < P2$  to  $P2 \leq P$  (Page 3, paragraph [0048] and page 4, paragraph [0050]). The examiner interprets that when the weak pressure is applied that the highlight mode is conducted by a first processing means and that this pressure would fall between a predetermined range. Also the examiner interprets that when the higher pressure is applied that the application that is executed would be performed by a second processing and that this higher pressure would be greater than a predetermined pressure.). Hanajima et al. fail to teach of a display unit with a touch panel wherein when the pushing pressure has changed from  $P1 \leq P < P2$  to  $P2 \leq P$  where the touch operation member is regarded as pressed, a function of moving the display screen in a direction of pushing pressure caused by the pointer executed by the second processing. Hahlganss et al. disclose of moving a display screen in a direction of pushing pressure caused by a pointer (Column 3, lines 25-35. The examiner interprets that the change in height that corresponds to a function could be a change in the direction of pushing pressure.). Therefore it would have been obvious to “one of ordinary skill” in the art to combine the concept changing the height of a touch panel display unit taught by Hahlganss et al. with the multiple touching pressure touch panel taught by Hanajima et al. such that a blind operation of functions is optimally supported in order to keep the distraction by interaction with an information system in motor vehicles to a minimum.

Regarding claim 2, Hanajima et al. and Hahlganss et al. disclose the display unit with touch panel according to claim 1. Hanajima et al. also disclose wherein processing of making display concerning the touch operation member different is conducted by the

first processing (Figure 7 and page 4, paragraph [0050]. The examiner interprets that highlighting the touch member pressed is making the touch member different.).

Hahlganss et al. disclose of moving the display screen a direction of pushing pressure caused by a pointer (Column 3, lines 25-35. The examiner interprets that since the height is changed based on the touch members being touched that when this concept is used with the pushing pressure concept of Hanajima et al. that the height would be changed for the highlighted mode performed by the first processing.).

Regarding claim 3, Hanajima et al. and Hahlganss et al. disclose the display unit with touch panel according claim 2. Hahlganss et al. also disclose wherein if the processing of executing the function of moving the display screen in a direction pushing pressure caused by the pointer is conducted by a first function, then its travel quantity or a rate change of the travel quantity for an increase of the pushing pressure is different from that in the travel of the display screen conducted by a second function (Column 3, lines 45-65). The examiner interprets that since the different areas of the touch screen are associated with different vibrations, that these vibrations could also be different heights as explained in column 3, lines 25-35. The examiner therefore interprets that when this concept is used with the teachings of Hanajima et al. that the different pressures could be made to change different heights.).

Regarding claim 4, Hanajima et al. and Hahlganss et al. disclose the display unit to claim 2. Hahlganss et al. also discloses wherein the function of moving the display screen in a direction of pushing pressure caused by the pointer is conducted by a first function, and instead of the function of moving the display screen in a direction of

pushing pressure caused by the pointer, a function of moving the display screen in a direction opposite that pushing pressure caused by the pointer is conducted by a second function (Column 3, lines 25-35. The examiner interprets that the change in height could be in opposite directions for different functions.).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0149561 discloses of a touch panel with selection recognition..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS

  
REGINA LIANG  
PRIMARY EXAMINER

4 November 2005